

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AYANA F. MUMIN,
Plaintiff,
-against-
THE CITY OF NEW YORK et al.,
Defendants.

Case No. 1:23-cv-03932 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

WHEREAS the Court held an initial pretrial conference on January 16, 2024, and made the following rulings:

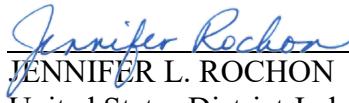
1. The Court grants Plaintiff leave to file a second amended complaint by **February 15, 2024**. *See O'Hara v. Weeks Marine, Inc.*, 294 F.3d 55, 68 n.6 (2d Cir. 2002) ("[W]here the plaintiff has made its desire to amend clear, the lack of a formal motion does not require the district court to deny leave to amend; the decision to grant or deny leave remains within the court's discretion.").
2. The Court extends the deadline for Plaintiff to effect service of Salesforce.com, Inc., or an appropriate agent thereof, until **March 15, 2024**. *See, e.g., Buon v. Spindler*, 65 F.4th 64, 75 (2d Cir. 2023) ("[I]t is well settled that district courts have discretion to grant extensions under Rule 4(m) even in the absence of good cause." (original brackets, quotation marks, and citation omitted)).
3. The Court denies the motion to dismiss filed by the City of New York, the New York City Department of Correction, and Louis A. Molina (collectively, the "City Defendants") without prejudice to refiling the motion once Plaintiff files the second amended complaint.

4. The Court denies Plaintiff's motion to strike the City Defendants' reply brief as moot. Even if the motion to strike were not moot, the Court would deny the motion because the City Defendants have sufficiently established excusable neglect and lack of prejudice. *See LoSacco v. City of Middletown*, 71 F.3d 88, 93 (2d Cir. 1995).
5. Within **seven (7) days** after Plaintiff files the second amended complaint, the City Defendants shall file a letter, not exceeding three pages, as to whether the Court should stay discovery pending resolution of a motion to dismiss the complaint. Within **seven (7) days** after the City Defendants file their letter, Plaintiff may file a letter, not exceeding three pages, responding to the City Defendants' letter.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 27, 37, 38, 39, and 40.

Dated: January 17, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge